

**In the matter of Docket 02-98,
DA/FCC No. 02-136, and subset RM-10209**

REQUESTED COMMENTS

The FCC has made a generous proposal to operators in the Amateur Service with the agency's tentative conclusion that we would benefit from a secondary allocation in the 5250-5400 kilocycle band. I strongly support this proposal, and I herewith respond to the FCC in its May 21, 2002 Docket request for comments.

Emergency Resource

It needs to be stated strongly that there is an exceptionally clear potential benefit to *domestic security* with such an allocation.

The U.S. government is a primary and the most populous user of this segment. Adding a disciplined corps of Amateur volunteers to this band would add depth and agility to any government response to a future emergency. The nature of this band's propagation supports communications coverage for much of the country across much of the clock.

Allowing Amateurs the use of this additional band will bring open-ended experimentation and equipment proofs-of-performance to encourage emergency preparedness among this cadre of volunteers, leveraging the strong tradition of public service in the Amateur community. The FCC would do well to re-state this expectation in its **Report and Order** when it grants authorization for this new band.

I stand in support of comments filed in this proceeding from Nickolaus Leggett, N3NL, with an idea for joint communications preparedness drills on this band with federal agencies. The band holds promise for an unprecedented opportunity to train and refine our skills with exercises involving state and local agencies as well as with nationally organized groups such as the Civil Air Patrol and the Military Affiliate Radio System.

Support a United Operating Layout

To encourage maximum amateur latitude and utilization of this band, the FCC should continue its philosophy of relaxed operating constraints by avoiding “sub-band” partitioning or other mandatory protections among the various amateur modes or activities.

During times of non-emergency communications, none of these modes or activities has a greater or lesser claim on the spectrum assigned to the Amateur Service. The operators in our service equally share the responsibility for resolving potential interference and other issues of incompatibility among modes and activities. This is a natural and acceptable part of the operational and technical challenge for our hobbyist-radio system.

Separately, it is noted here that the FCC has been considering a petition for regulatory set-asides (“sub-bands”) for weak CW work on the now undivided 160 meter allocation for the Amateur Service.

Opposition comments in that proceeding, filed by myself and others, have reinforced the notion that creating protected zones is likely to generate additional requests for reservations among various factions in the hobby. Such partitioning may aggravate territorial claims and undercut our cohesiveness and diversity of operating expertise .

The agency has separately proposed transitioning away from sub-bands by scaling back the size of underutilized segments reserved years ago for continuous-wave telegraphy on shortwave ham bands.

Supporting comments for reduced sub-bands note it would more closely match current levels of activity in Morse code, and encourage alignment with Canada and most other countries that discontinued the “sub-band” protocol.

The FCC can today pre-emptively avoid having to revisit such divisions if none were applied to the 5250-5400 kilocycle band.

Oppose Restrictions by License Class

I am puzzled that the FCC, in its request for comments to RM-10209, (*FCC 02-136, Part C, Proposal, 39.*) has grouped the Advanced Class with the significantly less stringent license obtained under the provisions of the General Class license for purposes of considering whether to open up the new band to all or only certain classes of license.

The Advanced Class, a legacy category available only by renewal, more closely resembles the Extra when it comes to rigorous standards in place when the license was being issued. Licensees in this class, myself included, typically have ranking status when it comes to years of seasoned operating experience and the range or level of accomplishment in the hobby.

For these reasons, the limited and elite remaining group of Advanced Class licensees should be grouped with the Extra Class if this new band were not opened up to all grades of Amateur licensing.

However, I do not see anything in this proceeding to establish, *by license class*, an existing basis for any concern over our ability to responsibly protect the primary users of the 5250-5400 kilocycle band. I would like to associate myself with comments filed in this proceeding by Rich Eyre, K7REC, who notes a restriction-by-class additionally restricts the number of potential emergency communicators.

Comments submitted for the public record from:

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